

## **REMARKS AND ARGUMENTS**

Claims 11-23 are pending in this application. Claims 11-23 were rejected.

### **CLAIMS 11-15 AND 21-22**

Claims 11-15 and 21-22 were rejected under 35 U.S.C. 102(b) for, allegedly, being anticipated by Marquart (US Patent 4,915,193).

Claim 11 has been amended to specify that the second gearbox assembly is a **power take-off assembly**. As stated, in MPEP 2163.06, "information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter." Support for this amendment can be found in, at least, Fig. 1-6. Marquart discloses a gearshift transmission 14 and a differential 18. However, Marquart **does not disclose a power take-off assembly**. Reconsideration of the rejection of claim 11 is respectfully requested.

With respect to claim 12, the Office Action alleges that a bearing plate is shown in Marquart. In Marquart, the alleged bearing plate does not cooperate with a bearing. Rather, the alleged bearing plate shows only an oil passage 20. Reconsideration of the rejection of claim 12 is respectfully requested.

Claim 13 has been amended to specify that the separator is mounted to the bearing plate. Support for this amendment can be found in, at least, Fig. 1-7. As shown, in Marquart, the alleged bearing plate has nothing mounted to it. Reconsideration of this rejection is respectfully requested.

In regards to claim 14, the Office Action alleges that there is a separator and that the separator comprises a return. However, as stated above (claim 13 discussion), there is no separator and, thus, there cannot be a return. Likewise, claim 15 recites "the return is in the form of a through-hole." However, as just stated, there is no return and, thus, it cannot be formed as a through-hole. Accordingly, reconsideration of this rejection is respectfully requested.

In regards to claim 21, the Office Action alleges that Marquart discloses a guide. More specifically, it states "Shafts 56 and 64 are attached to the separator and go through the wall so that it is inherently disclose[d] that separator must include the guide to rotate the shaft, Figure 1." The Office Action characterizes the guide as a component that is formed to aid rotation of the shaft. In contrast, the guide 66, as shown in FIG. 1-5 of the application, is formed such that it can be used in combination with a rotating gearbox component, such as the differential 38, to direct lubricant from the first gearbox section 72 to the second gearbox section 74. As such, reconsideration of this rejection is respectfully requested.

With respect to claim 22, the Office Action states "an air pump (28) [is] in communication with the main gearbox portion to force lubricant located in the main gearbox portion into a lubricant channel and into the first and second gearbox sections." Claim 22 relies on claim 11, wherein claim 11 specifies that second gearbox section contains a power take-off assembly. Marquart fails to show a section, in communication with an air pump, having power take-off assembly. Accordingly, reconsideration of this rejection is respectfully requested.

### **CLAIMS 16-17 AND 23**

Claims 16-17 and 23 were rejected under 35 U.S.C. 103(a) as being, allegedly, unpatentable over Marquart as applied to claims 11-14 and further in view of Rimkus et al. (UU Patent 5,718,847).

With respect to claim 16, the Office Action alleges that Rimkus et al. discloses a return that is in the form of a return channel. Rimkus et al. cannot disclose a return in the form of a channel, because as stated above (claim 14 discussion), no return is disclosed. Reconsideration of this rejection is respectfully requested.

In regards to claim 17, the Office Action alleges that Rimkus discloses a housing seal and that it is interposed between the separator and the gearbox housings. However, as stated above (claim 13 discussion), there is no separator and, thus, there cannot be a housing seal fastened to the separator as is claimed. Reconsideration of this rejection is respectfully requested.

With respect to claim 23, various elements (as discussed above) are neither shown in Marquart or in Rimkus. As such, reconsideration of this rejection is respectfully requested.

It is believed that this application is in condition for allowance, and such allowance is respectfully requested. Further, it is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and shortages in other fees be charged, or any overpayment in fees be credited, to Deposit Account No. 04-0525.

Respectfully,

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